



# Haverhill

Board of Appeals  
Phone: 978-374-2330 Fax: 978-374-2315  
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## Meeting Minutes

BOARD OF APPEALS held A PUBLIC HEARING ON WEDNESDAY EVENING  
May 15, 2019 AT 7:00 P.M. in ROOM 202, CITY HALL, to hear the following items:

Board Members Present: Chairman Moriarty, Members: Soraghan, LaPlume, Bevilacqua and Brown  
Absent/Excused: Members Sullivan and Vathally

### Continued from the April 17, 2019 Meeting:

1. Guzzardi Family Trust for 1 Knipe Road (752, 3, 4): Applicant is seeking a variance, lot area of 19,130' where 22,500 is required, open space of 17.04% where 25% is required, parking set back of 1' where 20' is required.

The attorney for the applicant briefly restated the issues related to the site. He confirmed that the abutter has agreed to the plans for plantings, drainage, and easement.

### **Opposition:**

Steven Rodgers, 161 Neck Road

And I just want to reiterate my real concerns about this project as a person and a vehicle is trying to enter or cross 125 with this project is being proposed, I count as many as nine points you would need to look at before you can enter two of them being fast moving four lane road. I just don't think this is feasible or safe for someone to be expected to, to scan nine points. And try to enter that into that road especially with the applicant looking for only a one foot setback variance of 19 feet on the on the parking setback. Also, as you said has suggested that the applicant reach out to us to address our concerns. I contemplate reaching out to them because I hadn't heard from them. And then decided against it for the reason that they were asked by this board to update the plan after the first meeting. And when they came back for the second meeting that hadn't been done. And then as you as you asked at the last meeting for him to reach out to us before this meeting, and they didn't do that. I could only wonder if they were not interested about our concerns or if they may not have had enough respect for this board to accommodate your request. And I asked you to take that into consideration. Relative to this issue. Thank you.

Kevin Spicer, 11 Neck Road

My name is Kevin Spicer I own Uptown Landscaping, which is located in Neck Road and the Ward Hill. My crew travel that road route 125 frequently throughout the day, we often enter an exit on Oxford and Whitehall in the landscape and trail behind either a pickup or dump truck. Stretch the road is fast paced and difficult to navigate. On off on a clear low traffic day to inhibit the line of sight on this road is a safety issue. And one foot setback for traffic is unreasonable and dangerous. If the building was small, the traffic setback could be appropriated. However, that has not happened. So I asked the board to deny the experience as a safety of myself in my work is are at risk. Thank you.

Jackie Jerome, 1136 Boston Road

Hi, my name is Jackie Jerome and I live at 1136 Boston Road, which is less than half mile from where this proposed building is planned to go. I have to enter route 125 everyday to go to work and I travel route 125 to come home. I cannot stress enough how difficult of a road This is to enter and exit the traffic is four lanes and moves very quickly. In this area alone there are many points where traffic is turning in and out. The lack of visibility is very limited did when I saw the plan for the vacant lot I noticed that it has cars parked right up to the highway. This is crazy. I urge the board to limit the size of the building to no more than 1500 square feet which would will then give the developer more room for appropriate parking. The construction of the building is not the issue. The issue is the size of the building, which is too big.

Betty Rodgers, 133 Neck Road

Hello, my name is Betty Rogers and I live at 133 Neck Road in Haverhill. I am here to represent the number of people who live and work in Oxford Avenue and ^ road area. We are opposed to the plan that's been presented for a very simple, easily rectified reason. The building is too big. The oversize building is not allowing for appropriate parking and a variance has been requested. It is a safety issue to have cars parked one foot off of a four lane highway. It's a recipe for disaster.



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In closing, we have attended two prior meetings and have asked for a small building and has fallen on deaf ears. There is no hardship here for the developer for it is his design that is creating the need for these variances that hardship will be on the thousands of people who use this road as they will be limited in their ability to access 125 safely. I have a petition which I'm going to give to you that has been signed by approximately 150 people. These people live and work in that area. Thank you.

Victoria Kennedy, 97 Oxford Avenue

I'm president and Head of School at Bradford Christian Academy 97 Oxford Avenue. Our lower school building is located about 700 feet from the proposed development at 1 Knipe Road. I'm here tonight to express strong opposition to the variance by the developer of 1 Knipe Road on behalf of our students, their parents and our teachers. For many years. As you've heard tonight, the intersection of Oxford Avenue and Knipe Road has been treacherous. And for our school community where every day approximately 90 students are transported to and from our building. Turning either right or left onto route 125 from Oxford Avenue is difficult most of the time. And as you heard crossing across four lanes of traffic to reach the businesses across the highway is truly dangerous. The only control of this intersection are two stop signs one on either side of 125. Any additional building development will generate more traffic as a matter of fact, Cedar Dale opening soon will greatly add to the traffic impact up and down Oxford Avenue and entering on and off of 125. A site plan that is significantly exceeding zoning will further multiply the risks already experienced by our school community every day at this intersection. And please bear in mind, but I'm sure you already know the intersection becomes even more hazardous during the winter months when snow banks further limit visibility. It seems to us from our perspective that the developer has no existing hardship that cannot be mitigated by reduction in the size of the building or relocation to a more appropriate site. We at Bradford Christian Academy have no such option. We own the property on Oxford Avenue. Educational buildings are highly specialized and not easy to come by. And so if this variance is granted, we have no choice but to bear the hardship of a significantly more dangerous intersection created by a site development plan that far exceeds the limit of zoning. For the sake of the safety of our students and our parents and our teachers. I respectfully ask that the board deny this variance at 1 Knipe Road.

Hillary Rogers, 135 Neck Road

My family and I as you can see behind me have been to a couple meetings to dispute the perspective development of Knipe Road. To verify our concerns with the development I had an independent site developer who had not heard of the proposed development previously review the plans. They came back to me with many concerns about the plan as proposed. I have marked up the plans here and summarize our main concerns with development. Those are the plans you guys all have that I emailed to you earlier in the week. Primarily, it appears as if as if this plan was made without consideration for many important factors such as traffic flow in and around the parking area, accessibility for individuals with disabilities, and access for delivery service vehicles. These are fundamental when creating a new retail development. As you can see, there are multiple places where spots cannot be accessed and vehicles cannot easily travel if at all. Through the cramped parking lot take careful note of the parking spot on the top right corner of the lot in the entrance in pathway from Oxford Avenue which is not wide enough to allow two cars to pass at one time. Or even a passenger car to safely complete the simple turn. The parking lot itself is also far undersized for the recommended amount of spaces, especially in a high turnover retail setting. It also appears as if there has been little to no planning to facilitate access to the building for individuals with disabilities. There aren't any ramps in the plan and there is no obvious path to navigate safely or easily into the proposed building. There does not appear to be any space in the plan to add appropriate accommodations for accessibility to individuals with disabilities. Without further reducing the usable area of the parking lot. It is evident that there have been no consideration given to commercial vehicles for delivery service or trash to access the property as well. There is not a single turn that a standard delivery or garbage truck could successfully make onto this law as proposed. These would cause vehicles to at least at best have to reverse on to Knipe Road or Oxford Ave each time to access the property which is extremely dangerous. To solve our argument we believe the plan for this development is far too ambitious given the size of the shortcomings of this plan listed above will cause significant inconveniences to anyone who travels a section of Knipe Road or Oxford Ave or chooses to visit as retail development.

Alex Burgess, 34 M Street

Alex Burgess of the pastor of Ward Hill Church on 63 L Street I live at 34 M Street the Church Parsonage and in the Ward Hill neighborhood and my parishioners use the that intersection a lot. And so I would just simply reaffirm what Victoria Kennedy of PCA said about the concerns about the intersection. The concern from the school committee would be similar to our concern for the church community.



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Richard Lanitini,  
Cross Realty Trust

Coming before the board again, Richard Lantini from Cross Realty Trust. And well, I thought that there was going to be some type of modification of these plans, which hasn't taken place. I think there's at least a third meeting we've come to with nothing about the concerns about traffic and things like that, that just like to point out one of the things yeah, curb cut onto the state highway is just the same as it was the day we first saw these plans. With a one foot setback, anyone trying to get out on 125 day of no lateral view of the oncoming traffic. And the other thing is that that that setback, it would be simple enough taking out one parking lot on either side of that driveway, maybe they would have a little better lateral view. But seeing nothing at all changed in these plans. I'd still be very much opposed to the project as the presented.

Attorney Michael Migliori

I don't want you to have the impression, as Mr. Rogers once indicated that no one reached out to him. When we were here at the last meeting, I asked for a contact for these folks. Attorney Harb agreed to be the client that I was in contact with Attorney Harb on the matter, so, you know, Mr. Stephen Rogers has more than one occasion spoke not the truth. With respect to what about the size of the building, the size comes up size of the building has nothing to do with the variance. we still need variances, the size of the building has nothing to do with the variance. The need for variance is because of the peculiar lot you're dealing with. It's a triangular parcel. No matter what you do. If you put a porta potty on the site, you're still going to need a variance. I don't know if there's anything smaller than that. The site requires a various because of its configuration. Nobody, nobody can do anything over there. This is what, in my opinion, the variance provision ordinance is for this is this is the perfect storm, you got a piece of land that nobody can do anything with without variance because of its configuration. The hardship is the configuration. With respect to the young lady who came up tonight, earlier, and our letters that are plans I, you know, I'm somewhat lost, we wouldn't have provided with that I at least I was never provided with that letter. I you know, I don't know where it came from? Why I didn't get the courtesy of the lead, but from what I heard. Number one, I guess the comments come from some anonymous source, gentlemen, who doesn't value their work? Some developer who or somebody who didn't want to be identified, that's great two, the matters that I heard are also in my opinion, beyond the purview of this board those are site plan review matters. Not Board of appeal matters. This, this has to go before the planning board. And before all the city department for site plan review, that deals with traffic that deals with egress and Ingress that deals with site view. They deal with all of those matters that, you know, I heard earlier. I you know, I'm not going to go through that list. Because again, in my in my opinion, it's really beyond your scope. It's the planning board and site plan, review matter.

Member Soraghan:

Is the current cut line on 125 existing?

Attorney Migliori:

I believe it's proposed.

Hillary Rogers, 135 Neck Road

What he said about the site plan, or the this being a hardship because of the size of a lot I can I can vouch. They're not here, obviously. But that there have been multiple offers to purchase this lot from people who wanted to use it as just a parking lot, which I don't believe would need any variances. That has been turned down. This is before this even started. So I just wanted to put that in there. And also, even though this the developer didn't want to be named, it doesn't necessarily negate the fact that he wrote down on this, I'm not sure if that really matter if that really matters if his name is there, just want to put my two cents there.

Attorney Bob Harb:

As you recall, the first meeting, I offered my office as a meeting place for everyone as a neutral place to come since a lot of these people are related to my client. The applicant simply sent me plans and did not wish to come to the office, I did fall with those plans on to the other parties, but we never had a meeting in my office. And I just want to remind you that should you decide to grant him this variance. There's a list of agreements that were filed with the first meeting. And I didn't want that miss since it's been a month since we've been here from the first meeting. And you even had my brother read them into the record. So they are filed with you when they are in the record. Thank you very much.



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Member Brown:

The parking, can anything be done with changing the parking lot? The parking variance in general

Attorney Migliori:

Because of the lot size, what we agreed to if whoever establishes a business doesn't need the number of space we certainly can reduce the that number, but beyond that nothing can be done based on the site.

Hillary Rodgers:

If the building would be made smaller, could you move the spots back and possibly put some more parking in there? I mean, that's one option. Move the spots back, by making the building smaller.

Attorney Migliori:

The building itself is 3000 sq ft its' really, cant be any smaller. I don't want to lie to anybody mislead you that you know, to shrink that footprint below 3000 square feet doesn't work.

Vehicles entering from Rt. 125 would have to be aware of nine different points where traffic could be involved.

The applicant failed to submit a revised plan after the first meeting.

The applicant failed to reach out to neighbors.

Rt. 125 is a fast-paced road, with heavy traffic volume.

The proposed one-foot setback is small and dangerous.

There is a lack of visibility and the line of sight from the building.

An individual speaking in opposition submitted a petition signed by 150 local residents.

The site presents potential traffic hazards, especially for children enrolled in the nearby Bradford Academy.

An independent site developer provided a report that contained numerous concerns, according to one speaker.

Included in the report, according to the speaker, were the following concerns: traffic flow, disability access, access for service vehicles, undersized lot for a retail setting, and no ramps for disability access.

The plans lacked any modification in response to concerns about traffic and curb cuts.

## Rebuttal

The Attorney for the applicant asserted that he did reach out to residents. He noted that he connected through Attorney Harb.

**Note:** Attorney Harb noted that he was not the contact person for the local residents. According to Attorney Harb, he only offered the use of his office as a neutral location for the applicant's attorney and the local residents to meet.

The size of the building has no connection to the Variances being sought by the applicant.

The Variances are related to the triangular shape of the lot. The hardship is the triangular configuration of the lot.

The Attorney noted that he did not receive the letter read and submitted by Hillary Rogers, a local resident.

The issues raised by the residents are matters that are beyond the purview of the Board of Appeals

The Site Plan review process will address the issues of size and other issues raised by the residents speaking in opposition.

Q. Is the curb cut proposed?

A. Yes. Because it would be on Rt. 125, a state road, the state would be involved.

Q. Is there anything that can be done with the parking lot? Reduce the number of spaces and maybe move the building?

A. I do not know. The building probably cannot be any smaller.

Not looking for a use variance.

Comment by Neighbor: I believe there are buyers for the parking lot.

Motion: Member Soraghan

Seconded: Member Bevilacqua



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Member Soraghan:

Couple of things that I'd like to say, first is the applicant isn't looking for use variance so that's what's done is allowed by his own. He's not here looking for a use variance. And the second thing is Attorney Migliori is right a lot of the technical information is reviewed by city departments, some department heads, that's beyond the purview of the Board of Appeals. I don't think the due to the to the shape of the lot what's being requested. I don't think it's unreasonable to approve the variance for this lot and I'm going to vote yes.

Member LaPlume:

You know I looked at that lot a lot, but, you know, I thought it was very, it would be very nice to get rid of the weeds and put a store in there and I parked my car there quite some time looking at it today to study, and I just don't think it's feasible to put that much into that lot And I don't think there's a hardship I don't believe ^ , saying there's no hardship.

Member Bevilacqua:

I parked in that spot 5 times, my feeling is that that spot would be beautiful. If it were just planted. I'm reminded of the recent donation of the Anton farm for conservation. And I'm saying Wouldn't that just be a beautiful there really isn't any place. I mean, you just have to drive up the street and look at the greener the green at Rogers nursery, but there's no actual public planting space there the way there are, you know, and it's almost the size of lots -- of these public planting places we have. That's the size. I don't see how that a 3000 foot building. And a parking space could be there. As I said, I'm always worried when I see people parking in Joseph's on a Sunday morning and running across the street to get to Duffy's and I am. I have to vote no.

The Board **denied** the Variances on a vote of 4-1 (Members LaPlume, Member Brown, Member Bevilacqua and Chairman Moriarty yes) (Member Soraghan, yes) citing Section 255.79.c.

## **New Business:**

2. Target Corporation for 35 Computer Drive (548, 1, 10-1B): The applicant requests that the Board grant a variance that reduces the parking ratio for the remaining Target lot, from one (1) space for each 200 square feet of gross floor area to one (1) space for each 352 square feet of gross floor area.

The applicant proposes to reduce the size of the parking lot, in response to the lower demand for parking among its customers. The Industry standard now is smaller onsite parking, as more customers are using online shopping options.

Motion: Soraghan

Seconded: Bevilaqua

The Board **granted** the Variance on a vote of 5-0.

(Members Soraghan, LaPlume, Brown, Bevilacqua and Chairman Moriarty voted, yes)

3. Kevin Durkin for 24 Tersolo Road (593, 1, 21): Applicant seeks a special permit for an accessory apartment in a RR zone. Accessory apartment is 792' square feet where a maximum of 800' square feet is required. Addition will meet all zoning set backs.

The applicant is seeking an Accessory Unit. STIPULATION: The proposed unit meets all requirements for an Accessory Unit. The Board noted that there will be a deed restriction, noting that, upon sale of the property, the dwelling will revert back to a single family dwelling.

The Board **granted** the Variance on a vote of 5-0.



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(Members Soraghan, LaPlume, Brown, Bevilacqua and Chairman Moriarty voted, yes)

4. Atlantis Investments, LLC for 24 6<sup>th</sup> Avenue (611, 494, 13): Applicant seeks a variance for the following in RU Zone. Lot area of 4,967 sq ft where 7,500 sq ft required. Lot frontage of 68 sq ft where 75 sq ft required. Rear yard of 10 ft where 30 ft required. \*to include\* Lot Depth of 71.01' where 100' required as approved by the ZBA.

The lot in question is an overgrown lot on the corner of Cedar and 6<sup>th</sup> Avenue. According to the applicant, most of the lots in the neighborhood are less than 5,000. The applicant proposes to clear the lot and construct a new single-family dwelling. The applicant seeks a Variance for lot depth and total square footage. The applicant stated that a new single-family dwelling would be a better use of the property than the existing vacant, overgrown lot.

Q. How long have you owned the property?

A. Since December 2018.

Q. Do you also own the yellow house next to the lot? If so, will you fix up that, too?

A. Yes, I have begun some work on that property.

Q. When will you renovate the yellow house?

A. In about six months.

The Board **granted** the Variance on a vote of 5-0.

(Members Soraghan, LaPlume, Brown, Bevilacqua and Chairman Moriarty voted, yes)

5. Atlantis Investments, LLC for 20 Newcomb Street (and abutting land) (202-37-5A) (202-37-9A) and (202-37-9B): Applicant seeks the following variances:
- 1.) Lot Area of 23,812 square feet where 25,000 square feet is required for multifamily use purpose
  - 2.) Lot Density of 23,812 square feet where 31,5000 square feet is required
  - 3) Side Yard of 9.4' where 20' is required
  - 4.) Lot Depth of 85' where 100' is required
  - 5) Front Yard of 23.2' where 25' is required
  - 6) Rear Yard of 8.2' where 40' is required; and
  - 7) Reduction of the 450 square feet minimum requirement for single unit dwelling to the following:  
Unit 1 – 218 Square feet; Unit 8 – 294 Square feet;  
Unit 2 – 216 Square feet; Unit 9 – 315 Square feet;  
Unit 3 – 263 Square feet; Unit 10 – 220 Square feet;  
Unit 4 – 344 Square feet; Unit 11 – 291 Square feet;  
Unit 5 – 236 Square feet; Unit 12 - 376 Square feet;  
Unit 6 – 240 Square feet; Unit 13 – 417 Square feet.  
Unit 7 – 227 Square feet;

The applicant noted, for the record, that the Closing will occur on Friday. The applicant responded to the Bid Process issued by the City of Haverhill and was awarded the bid for the property. The applicant proposes to construct 13 small, efficiency units of low-income housing for clients of Vinfen, a community based organization that serves individuals needing specialized social services. Vinfen has endorsed the size of the units (215 sq. ft – 400 sq. ft.) as being compatible with the needs of its clients. There are no parking issues, as most of Vinfen's clients have no cars. The applicant intends to construct extensive interior renovations. The use of the dwelling as a single family home is not feasible. The building has been vacant for years, but was previously used by a community-based organization. Each unit has a bathroom and a kitchen.

The applicant has a permanent Easement with the City.



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## Opposition

Concerned about density in the neighborhood.  
Concerned about taking care of the garbage that is accumulated by that many units of housing.  
There are many instances of drug problems in the area.  
Would prefer if the applicant reduces the number of units.

## Rebuttal

The dumpster pickup will be weekly.  
The applicant will install 15 cameras for security.  
The property is currently vacant and abandoned, which tends to bring its own set of problems.  
Q. Will Vinfen have an onsite manager?  
A. Not overnight, but for the better part of the day, there will be an onsite manager.  
Q. Why are the units so small?  
A. Vinfen suggested that the small size would better accommodate the needs of its clients.  
Q. Will there be a community room?  
A. No, but the porch will be available to residents, as well as the backyard.

## Attorney Russell Channen

Good evening for the record. Russell Channon attorney here in Massachusetts, representing both Atlantis investments LLC as well as 20 Newcomb street LLC, the applicant in honor concerning this request for variance. Just a brief update. When I submitted my brief, I indicated at that time that it was expected that at the time of the hearing, that Mr. Cody, who's present with me today, and the manager of both entities would have closed on the property. That closing was delayed. So the closing is scheduled for this Friday. Although you will see that in fact, when I submitted the application, I received a letter from the mayor authorizing the applicant to proceed through the city's request, as it is still technically the current legal owner of the property. But the closing is scheduled for this Friday. And frankly, will occur no matter what the board says as Mr. Cody would tell you, that was one of the things but he's going forward with the purchase and hopefully with the approval of the variances that we've requested this evening. As I've indicated in my brief that Mr. Cody back in June of 2018, submitted a response to the request for proposal from the city concerning what we all know as the Phoenix house here at the back parking lot. Mr. Cody's application was deemed to be the best use of the property, there were a number of other barriers. But the application which would be to provide for low income housing was deemed to be the, you know, the best use of the property. I indicated in my brief that in fact, Vinfen with which is a nonprofit organization, and in fact, endorsed the application. But in fact, I did not submit and I'd like to at least if I could for the forward, submit the actual letters that was signed by the vice president from the company concerning their approval and, and hopeful allowance of that because again, as what Mr. Cody would tell you is that he's looking to take on this project, and to allow for low income and subsidized housing for individuals that have disabilities and needs in need for housing in this area. This wasn't a project to, for him turn around to make a huge profit on. But it was done consistent with what he's been doing here in the city of Haverhill, which is to help assist the city in different aspects. And then this one, which is to take the property that was I guess back in the early 1900s of residential home, it was then turned into commercial, he's looking to take it back again. And to allow for 13 efficiency units. We've presented the board I think with both site plans, as well as drawings as to the 13 different units that would be constructed in there. The plans show that there's no issue with parking, so parking with does not become an issue with the 13 units and whether or not each Possible tenant has a car because there'll be ample parking. We've also indicated as part of the brief, also part of his application, that a permanent easement will be given to the city of Haverhill. So that would be no effect to the citizens of Haverhill, any people that work yet to to be able to park in the back parking lot. So that's that would not be an issue as well. Again we've outlined, although there are a number of variances requested, you'll see that a number of them deal with the structure itself that we can't change, whether it's the side yard, the rear yard, as far as the square the lot area. Again, it's 23,812 square feet when 25,000 square feet is required. So we're really close on that one. The light density, again, was based upon the fact that there were 13 units. And again, with when you take 7500 for the first unit, and then 2000 for each other that would come up 31,500. When in fact again, the lot density, we're dealing with just 23,812 square feet. So



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it's close on that one as well. We believe that this RFP, which was for \$600,000, which was substantially more than any other applicant that submitted one results in a such a great use for the city of Haverhill, which Low Income Housing get 13 people either off the streets or into a a home here in the city of Haverhill. Again, I believe Mr. Cody could talk to you about how I believe he's already engaged or will be engaged in Vinfen to help assist with the tenants.

Mr. Cody:

Vinfen, -- we have a preliminary lease that they're waiting to sign it's on the technical owner of the property. But that's ready to go. They're going to lease the entire building from me, Vinfen is a servicer for people to come out of the Department of Mental Health. So they have some sort of disability where they can't manage their money on their own. They have visiting nurses that come Vinfen services, their money takes their money that they get from the government and, you know, pays all the bills for them. They're introducing these people back into society. So they're trying to get everyone to live on their own. Still a monitored situation where people come in and make sure people are taking their meds and check on people. They've been a tenant of mine and other buildings for a long time. And I've had I've had no issues with them. As far as the building goes, we plan on renovating the existing exterior of the building to look like it did when it was first built. I like the way it looks. I like the way it could look right now doesn't look that great. But we plan on restoring it's the way it was originally, exterior wise interior, we're carving it up into 13 small units. smallest one I believe is around 215 square feet, all the way up to 400. And something square feet. We have plenty of parking. And I think it's just going to be a major improvement for a building that could be could be pretty if it was done correctly.

Attorney Channen: Lastly, we would ask if this was to be approved. As I think we indicated, we would just need to request that a special permit for multifamily in this in this district.

Chairman Moriarty: We should note that we have received a letter of opposition from Michael Valvo regarding the density being too high concerns with the trees and atmosphere, green space, don't want a precedent.

Attorney Russell Channen:

As far as squeezing these apartment, again, you know, we I guess you know, Mr. Cody could talk about it. But my thoughts about is clearly this isn't we have to look at what's the best reasonable use of this property? And does would my client have paid \$600,000 for to be able to do it as a single family? Probably not. And when he looked at this, at this property, wanted to determine what's the best use what makes the most sense. And again, this isn't a situation where we're looking to rent it for you fair market value, again. So we believe that, that these efficiency units are an appropriate size, that 13 is not an in-appropriate number, based upon not only the size of the building, but also the availability of parking in the area. It is an area that's consistent with multifamily homes right up here on the street. So again, I don't think any neighbor would be overly affected nor would it set a dangerous precedent for any of the other properties on the street, I don't think anybody else could take a structure like this or a single family home, and then try to carve it up into a 13 efficiency unit. So allowing this variance I don't think would create a precedent that would hamstring the board to deny somebody else if somebody on Newcomb street wanted to try to do the same thing with their single family home.

Mr. Cody:

Another thing I would like to say too is was used for rooming house for that was the last use was the rooming house for a number of years. So it was it's a similar use, but it's going to be a much nicer building. How long's it been making for Tom? Five, six years now? Constant break-ins. It's definitely going to be an improvement. The building's going down to the studs, we're starting fresh pretty much inside. Plumbing, electric everything fire systems, and the parking spaces that are part of this property.

Chairman Moriarty: and the parking spaces, where are they?

Mr. Cody:

So the majority of the spaces, if you look at the site plan on, majority of the parking spaces are in the back. there's two on the front. People actually parked there now, but there's majority of them are going to be located in the back on those two lots. Okay. We've also included some, some planned things in the back some lighting for the parking lot. Catch base, and for some drainage, snow storage area in the corner, I plan on fencing the whole back lot in.

Member LaPlume:



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So this is going to be for a nonprofit organization, are they going to have their own kitchens?

Mr. Cody:

Each unit has its own little kitchenette and its own bathroom. And also they're both going to have, each unit is going to have its own heating AC as well built, everything's going to be built in. Right. So the people will be as comfortable as possible. Yeah, they're smaller units, but then Vinfen doesn't ask me for larger units, it only causes issues.

Member LaPlume: What about mental health? Do they offer any mental health? I don't know if you're familiar with that.

Mr. Cody:

Vinfen has different levels of their treatment they have anywhere from you know, someone that stops in once a week to make sure you're okay. To nurses that come twice a day, depending on your level of disability. You know, they're a lot of these people that are in these houses. It's a, it's an uphill battle. They can't afford it. So they end up in areas that aren't expensive in the areas that aren't expensive-- usually have lots of drug issues and other problems and people on sensitive medication, they start being around drugs or doing drugs and that messes up the medication. So they're looking for this to be kind of a safer place for them.

Member Soraghan:

Question regarding the parking and easements.

Mr. Cody:

So this one easement that goes across the front of the property. That's actually your parking lot right now. Like that's your way out onto Newcomb Street. There's two lots that came with this property on -- ones on Cherry Street ones on Newcomb Street, the one close the one furthest, the one closest to Cherry Street is the one where there's going to be a permanent easement on that one as well. And then the one closer to the building just goes with the building. Right now that lot is a big mud pit. And it's used for municipal vehicles parked back there. But they continue to park back there, because most of the people who live in this building will not have cars.

Mr. Soraghan:

Just looking at the landscaping plan that you only take two trees down. So you're saving a number of trees ^ Inaudible.

Member Bevilacqua:

Is this independent living? Assisted living?

Attorney Russel Channen:

If it's assisted living, my mother's 86, she's in assisted living. This would probably, I would consider this to be somewhere in between independent and, and assisted where, again, these are not elderly people. But the people that have had issues and they're trying to sort of reclaim their lives are independent, but they have a sort of outside help from this agency about whatever.

Marianne Seitz, 3 Windsor Street:

I haven't seen the plan. So I'm sorry, if I asked some questions that maybe everybody else knows the answer to, but I don't. So first, I agree with the density problem. We're working really hard in the highlands, to, you know, maintain the older homes, make sure that we do have some areas for the kids to play, that we're keeping it safe. We try to have community get together. And we're really trying to have a sense of community. Now I'm not against what you're what they're doing the idea of it, I just obviously that that's a beautiful old house to see it fixed up would be amazing. It's a troubled area, that is a nice drug Street. We have problems over there. We call the police quite a bit. I can't remember if it's Newcomb street or the next street over where we just had the stabbing was close by that we had the window shooting out woman shooting out the window. We're constantly calling the police, they like to, you know, they'll pick up their drugs at CVS or wherever they come up into the neighborhood. And because it is congested, they can pull in and kind of blend in, and then another car comes and they do their drug handoffs, you know it's a, it's a continued battle for us in the neighborhood to just keep kind of pushing that out and set the precedent that this is nice community, we want to keep it that way. I think people putting somebody you know with issues, it's going to give them access to maybe the wrong crowd of people. This is the tougher part right up here. Many of you come and go from City Hall. I'm sure you see that, you know, between here and going up to the church, the gas station, the CVS, we see the people on drugs. I mean, I've been in CVS parking lot with somebody fallen down, can't stand up. And you know, they make their way, you know, and



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I understand that people have problems, I just think you know, with density with their problems we have for garbage removal, not that they're not doing their job, but people throw garbage in the yard. Tom, we all know, Tom, because we're calling them to complain about people to get their yards, you know, cleaned up. So those are concerns that there'll be so many people they're like for garbage are, you know, are they going to have a central area where people are coming and going from I don't understand this rear setback. I mean, we're going from 40 feet of requirement to a point to 8.2. I don't understand why you're making the unit so small, that seems like you're making them smaller, because they have guaranteed money to each unit. And so it looks like you're putting yourself in a more profitable position, which we're saying is not something why people should be looking for variances. And I don't really, you know, so that's something that concerns me as well, the amount of people. And then while you're saying that the majority won't have cars, they will have people visiting them, and they'll have visiting nurses and sounds like staff members to come in, you know, check on the situation. And, you know, it gets busy up here. But you know, that those are like the list of concerns. And like I said, we tried really hard with the neighborhood to just turn it around. And this is this end of the street is our hard area, that we're really trying to get them involved. And, you know, you may rent a place, but it doesn't mean that you shouldn't take pride in where you live, you know. So we see the garbage that is they throw mattresses, they throw out stuff. And I'm not saying that these people will do the same. I'm just saying that. I don't know if we're going in the right direction. We're fighting hard to pull it in the other direction Right, if that makes sense. Thank you.

Jason Jussif, 125 Arlington Street

So basically, I'm going to echo the same thing that Marianne said, I moved here about 10-11 years ago, I spent a lot of time fixing my house. It's an old Victorian. The folks next to me spent a lot of time fixing the house, the folks down the street from me spent a lot of time fixing the house, there's been a lot of improvements of single family in the neighborhood. But as Marianne mentioned, what brought us another thing that brought us together was, you know, we see people walking around and they don't belong around here. Where are they from? Well, we figured out this drug problem down, down in the lower Arlington and you know, maybe even closer to us have called in drug bust, I know for sure it's happening down there. And it has to do with density. We don't find these drug problems. Mostly, we don't find these drug problems and single family, we find them in high density buildings. Okay, to put another 13 units down here, low income units, is doing nothing for the city of Haverhill. As far as property values, it's doing absolutely nothing for my property value, that's for sure. I think we have plenty of housing already. I don't know why there needs to be 13 units. And they I find it hard to believe that you can have parking for all 13 units. But as Marianne alluded to, you're going to have visitors there all the time. You know, you have to have you have to remove them garbage trucks and another it's going to be issues with that house, there's no doubt, I think they should be this should be looked at a lot harder, I think it should be massively reduce the amount of units that are going to be not add more units. It seems like every time I come to one of these meetings, people are adding permanent. And they go through fairly easy. You mentioned earlier that, you know variances are hardship not for financial gain. This isn't an investment. This this there's going to be plenty of money making. And that's why there's 13 units. So I know I just would recommend denying this application. I just don't think it's a good idea. I don't think it's a good idea for a neighbor, I don't think it's a good idea for the city of Haverhill. And, you know, and I also encourage echo the letter that was in there, there was a lot of important points in there that was kind of glazed over, that I think we should really pay attention to.

Motion: Member Soraghan

Seconded: Member Bevilacqua

The Board **granted** the Variances on a vote of 4-1. (Member Soraghan, Laplume, Bevilacqua, and Chairman Moriarty, yes) (Member Brown, no)

6. Francis Bevilacqua, for 26 Atlanta Street (528, 10, 165): Applicant is requesting a variance for lot frontage and lot area for a proposed residential single family building, located in an RH Zone. Lot area required for a single-family dwelling is 7500 SF and the project provides 5,800 SF. The lot frontage required is 75 feet and the project provides 58 feet. The existing house lot 165 conforms to the zoning requirements for the RH zone except for the front set back which is preexisting non-conforming.

Similar to variances granted for other applications in the neighborhood. Will reflect the neighborhood

Q. Were you, the applicant, one of the neighbors who objected to another lot application in the area?

A. Yes.

Q. What were your concerns with regard to that property?

A. I did not fully appreciate the benefits of the proposed application.



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## **Opposition**

Donna Capodelupo ,21 Atlanta Street, 25 year resident

The lot is too small.

Have concerns about water runoff.

Also, have concern for children in the neighborhood. The city recently put up signs about children in the neighborhood.

Hold off on the vote and review the vote during a meeting in 2016 for 32 Atlanta Street that was rejected and compare the situation.

## **Rebuttal**

The applicant would have to comply with all City regulations in the Site Plan Review process.

The lot is in an RH Zone.

The city has encouraged more development in the area.

The applicant requested a Continuance to the June meeting and waived the notification period.

The Board **granted** the Continuance on a vote of 4-0.

## **Other Matters:**

The Board **approved** the minutes of the April 17, 2019 meeting on a vote of 5-0.

**-Adjourn-**